



-PS/CD-O-

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TERONIO D. DE VAREL, A042163621,

Petitioner,

-v-

DECISION AND ORDER
12-CV-6342P

ERIC H. HOLDER, United States Attorney General
Department of Justice; HON. JANET NAPOLITANO,
Secretary, U.S. Dept. Of Homeland Security;
EDWARD NEWMAN, Field Office Director, U.S.
Department of Homeland Security, U.S.
Citizenship & Immigration Service, Buffalo District
Office; MICHAEL PHILIPS, Field Office Director for
Detention and Removal, Buffalo Field Office, Bureau
of Immigration and Customs Enforcement; U.S.
DEPARTMENT OF HOMELAND SECURITY and
TODD TRYON, Facility Director, Buffalo Federal
Detention Facility,

Respondents.

Petitioner Teronio De Varel, who is currently detained at Buffalo Federal Detention Facility pursuant to a final order of removal, seeks relief pursuant to 28 U.S.C. § 2241 as more fully set forth in the petition. Petitioner has paid the \$ 5.00 filing fee.

IT HEREBY IS ORDERED as follows:

1. Within **45 days** of the service of this order, respondent shall file and serve an **answer** to the petition with the Clerk of Court which shall respond to the allegations of the petition. Alternatively, in the appropriate case, respondent may

file a motion to dismiss the petition, accompanied by pertinent exhibits which demonstrate that an answer to the petition is unnecessary, by no later than **45 days** from service of this order.

Respondent also shall file and serve by the above date a **memorandum of law** with the Clerk of Court addressing each of the issues raised in the petition and including citations of relevant supporting authority. Respondent is directed to accompany all citations to sections of the Immigration and Naturalization Act with reference to the appropriate sections of 8 U.S.C.

Petitioner shall have **25 days** upon receipt of the answer to file a written response to the answer and memorandum of law (or motion to dismiss).

2. The Clerk of Court shall serve a copy of the application, together with a copy of this order, by certified mail, upon the following:

- Facilities Director, Buffalo Federal Detention Center, 4250 Federal Drive, Batavia, New York 14020;
- Office of General Counsel, Department of Homeland Security, Washington, D.C. 20528;
- Attorney General of the United States, Main Justice Building, 10th and Constitution Avenues N.W., Washington, DC 20530;
- United States Attorney for the Western District of New York, Civil Division, 138 Delaware Avenue, Buffalo, New York 14202.

**THE PETITIONER MUST FORWARD A COPY OF ALL FUTURE PAPERS AND
CORRESPONDENCE TO THE ATTORNEY APPEARING FOR THE
RESPONDENT.**

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
DISTRICT JUDGE
UNITED STATES DISTRICT COURT

Dated: July 9, 2012